

IDAHO STATE BOARD OF CHIROPRACTIC PHYSICIANS
BOARD MEETING
January 30, 2001

Meeting was called to order at 9:00 a.m. by Board Chair.

Roll Call: Dr. James Hollingsworth, Chair
 Dr. Henry West
 Dr. Zane Sterling
 Dr. Dennis Harper
 Sandra Averill

Others present: Thomas E. Limbaugh, Bureau Chief
 John Kersey, Chief Investigator
 Budd Hetrick, Deputy Bureau Chief
 Marilyn London, Secretary

Lyn Darrington, representing Regence Blue Shield addressed the Board with her concerns on House Bill 9. She specifically addressed three questions or concerns: What are the requirements of an internship? How many interns can be supervised by one licensed chiropractor? And quality issues as they relate to Regence Blue Shield of Idaho's practice guidelines for contracting chiropractors. Moved by Dr. Harper that the questions be accepted and that the answers be given in a rapid and timely manner to Ms. Darrington. Seconded by Ms. Averill, carried.

Minutes of the June 27, 2000 meeting and July 11, 2000 conference call were reviewed. Moved by Dr. Harper that minutes be approved as submitted, seconded by Ms. Averill, carried.

Brad Hoaglund, representing the Idaho Chiropractic Association, addressed the Board on the proposed legislation for physical therapy licensure. Mr. Hoaglund pointed out concerns the Association had with the legislation and how they were dealing with those concerns. Moved by Ms. Averill that the Bureau and Roger Hales review the bill to ensure there are no conflicts between the medical profession, the chiropractic profession, and the physical therapy legislation. Seconded by Dr. Harper, carried. Mr. Hoaglund distributed copies of the proposed legislation dealing with naturopathic physician licensure. This bill is pretty similar to the one that was proposed during the last session of the legislature and again it has strong opposition. The association will be monitoring its progress.

Tom Limbaugh discussed the financial report with the Board, and reported on the Board's proposed legislation and how it is progressing at the Capital.

Mr. Hetrick presented the contract for services between the Board and the Bureau. The Board discussed the revisions and updates. Moved by Dr. Harper that the contract for the current year be approved with the percentage changes from last year, and that the Chair be authorized to execute the contract. Seconded by Dr. Sterling, carried.

Dr. James Kranz and Dr. David Price met with the Board to discuss changes they would like to see in the continuing education requirements set by Board rule. They requested that the Board allow some flexibility in continuing education credits. They are sponsoring a seminar put on by members of the medical profession. It is not sponsored by a chiropractic college, therefore could

not be accepted for continuing education credits according to Board rule. Moved by Dr. Harper that the topic of rule changes for continuing education be tabled until the afternoon and that discussion with Dr. Kranz continue. Seconded by Ms. Averill, carried. Dr. Kranz and Dr. Price continued their proposals for law changes or rule changes. Dr. Kranz and Dr. Price also presented suggestions dealing with the definitions for preceptoreships and internships, and a proposal to clarify the Board's purpose "to insure public access to chiropractic services". The Board thanked Dr. Kranz and Dr. Price for their diligence in putting the proposals and the language together for the Board's consideration. Moved by Dr. Harper that Board recess for five minutes. Seconded by Dr. West, carried. Discussion continued on changes that may need to be done this year and who would carry the legislation. Moved by Dr. West that the proposal to amend I.C. 54-707, regarding public access to chiropractic practice, be reviewed for consistency with the Board's mandate and drafted by Mr. Hales and that it be submitted as a separate proposal. Seconded by Dr. Harper, carried.

RIAN "ROOK" TORRES

Mr. Torres met with the Board regarding concerns that the Board may have on his application for licensure. He explained his background and the circumstances surrounding events noted on his application. Dr. Hollingsworth told Mr. Torres that the Board would take his application under advisement and would let him know as soon as possible of their decision.

Moved by Dr. West that the Board go into executive session. Seconded by Ms. Averill, carried.

Moved by Ms. Averill that the Board come out of executive session. Seconded by Dr. Harper, carried.

Moved by Dr. Harper that the Bureau conduct additional research regarding Mr. Torres, and that the Board make a decision concerning his licensure during the next regular board meeting. Also that a letter be sent to Mr. Torres explaining that the decision will be made at the next meeting of the Board. Seconded by Dr. West, carried.

PEER REVIEW

Discussion was held on the forms being utilized by the peer review committee. Dr. Moldenhaur explained one Doctor was questioning the validity of the forms used by the committee. The Board confirmed that I.C. 54-715 (3) requires all licensees to cooperate with the committee. The Board reviewed the current forms. Moved by Ms. Averill that forms (IDCPR-100, IDCPR – 200) be accepted as submitted by the peer review committee with amendments to come later if necessary. Seconded by Dr. Harper, carried. The Board will review any additional forms used by the committee as they are presented. Dr. Moldenhaur presented payments received from insurance companies, in the amount of \$725.00, for reviews that have been done. He also presented a billing statement and requested payment by the Board. Discussion was held on the procedure for payment of peer review costs and reimbursement for the committee members that attended the training session held in September. It was suggested that the Board Chair have the discretion to approve reimbursement so that billings are dealt with in a timely manner. Discussion was held on the committee members and the board's appointment of the committee members. The laws and rules were reviewed as to the requirements for membership. It was determined that Dr. Geff Anderson was omitted from the committee and a letter of apology will be sent to Dr. Anderson explaining the erroneous oversight. Moved by Dr. Sterling that the

peer review committee be approved as listed with the addition of Dr. Geff Anderson and that they be accepted retroactively from the date of selection and the time of training. Seconded by Dr. Harper, carried. The peer review committee members are: Dr. Herbert Oliver, Dr. Patrick Mayo, Dr. Geff Anderson, Dr. Gregory Ferch, Dr. Bryan Storer, Dr. Michael Clarke, Dr. Ann Raymer, Dr. Martin Donaldson, Dr. Thomas Boyer, Dr. Tod Spainhower, Dr. Roland Morrison, and Dr. Stephen Mellor.

Dr. West moved that Board go into executive session. Seconded by Ms. Averill, carried.

Moved by Ms. Averill that Board come out of executive session. Seconded by Dr. Harper, carried.

Dr. West moved that Board go into executive session. Seconded by Ms. Averill, carried.

Moved by Dr. West that Board come out of executive session. Seconded by Dr. Harper, carried.

Moved by Ms. Averill that CHIA-P3C-01-00-002 be closed with a letter to the respondent advising of the Board's recommendations that: 1) the statement "I ought to bite your ear" never be directed at a patient; 2) if gowning is necessary then the patient is worth the time; 3) the patient must give permission, and a medical necessity must exist, to touch or palpate any portion of the body; and 4) all of this could have been alleviated with appropriate concern for the patient and an explanation as to the appropriateness of procedures. Seconded by Dr. Harper, carried.

Dr. Harper moved that Board go into executive session. Seconded by Ms. Averill, carried.

Moved by Ms. Averill that Board come out of executive session. Seconded by Dr. Harper, carried.

Moved by Ms. Averill that case no. CHI-P3-02A-00-006 be closed with a letter to the respondent advising of the Board's recommendations that: 1) communication informing patients as to the reason for procedures, the reason for palpation, and the reason for the examination of body areas, be very explicit and exact; 2) reasons for therapies and the way they are to be performed be clearly stated; and 3) the confusion in this particular case could have been eliminated with a modified thought process on the part of the respondent. Seconded by Dr. Harper, carried.

Dr. Harper moved that Board go into executive session. Seconded by Ms. Averill, carried.

Moved by Dr. Harper that Board come out of executive session. Seconded by Ms. Averill, carried.

Moved by Ms. Averill that complaint CHI -P3-02B-99-010 be dismissed with the recommendation made by Ms. Wallace. Seconded by Dr. West, carried. Moved by Ms. Averill that complaint CHI-P1-C-01-00-005 be dismissed with the recommendation made by Ms. Wallace. Seconded by Dr. Harper, carried.

Mr. Kersey distributed copies of a form letter that had been received from a Chiropractor, dealing with "ambulance chasing". Discussion was held. Moved by Dr. West that letters sent by licensees, in attempts to soliciting business, by referencing a public record of involvement in

automobile accidents, are violations of Rule 450.03 and 04, that said licensees should cease and desist such activity. Seconded by Dr. Harper, carried.

Mr. Kersey reviewed a letter that included an advertisement for a free back and neck examination and free treatment. Moved by Dr. Harper that a letter be sent notifying the owner of the advertisement that the offer of free services requires that no charges may be billed to any third party payer or the patient themselves. Seconded by Dr. West, carried.

Dr. Harper moved that Board go into executive session. Seconded by Dr. West, carried.

Moved by Ms. Averill that Board come out of executive session. Seconded by Dr. Harper, carried.

ACCUPUNCTURE

Dr. West addressed the issue of acupuncture and the history behind its association with chiropractic. He reiterated that the medical profession got an exemption and he would like to see that the chiropractors get an exemption also. Moved by Dr. West that Roger Hales construct the language for a proposed law change that would allow chiropractors to be exempt from the acupuncture act. Seconded by Ms. Averill, carried. Mr. Hetrick noted that it was too late this year for the Bureau to propose law changes.

REQUEST FOR WAIVER OF REINSTATEMENT FEES

Elizabeth Stockton-Ernest, Robert Thiry, Dean Biernacki, and Michael Trowbridge – Moved by Dr. Harper that letter be drafted explaining that there is nothing in the law that allows the Board to waive reinstatement fees and that these fees and the renewal fees must be paid in full to reinstate and renew cancelled licenses. Seconded by Dr. West, carried.

REINSTATEMENT OF LICENSURE

Application from licensee was reviewed. Moved by Ms. Averill that letter be sent to the applicant CHI-83000-JH informing him that the requirements for reinstatement of a license are as noted under section 250.02.a, and also the experience based options as provided by law. Seconded by Dr. Harper. Moved by Ms. Averill that applicant CHI-83000-JH meet the requirements as set in Board Rule and that he successfully pass parts I, II, III and IV or SPEC of the NBCE examination. Seconded by Dr. Harper, carried.

Moved by Ms. Averill that the Bureau consider sending a thirty or sixty day letter to people who have not paid their renewal fee advising them that if they are practicing without benefit of a license they could be subject to disciplinary action until the license is renewed. Seconded by Dr. Harper, carried.

Ms. Averill moved that Board go into executive session. Seconded by Dr. Harper, carried.

Moved by Ms. Averill that Board come out of executive session. Seconded by Dr. Harper, carried.

Moved by Ms. Averill that the request for reinstatement, without the required fees and completion of required continuing education, is not complete and should be returned. Seconded by Dr. Harper, carried.

Letter from Gebauer Company wishing to know whether Idaho Chiropractors can use skin refrigerants. Idaho can use skin refrigerants.

Letter from Gregory Ferch dealing with Chiropractic Consultants utilized by third party payers. He suggested qualifications that should be considered prior to consulting. Dr. Ferch recommended six years of clinical experience with the most recent two years in Idaho. Moved by Dr. West that a letter be sent to Dr. Ferch advising that Idaho Board of Chiropractic Physicians does not plan to draft any rules or regulations, dealing with a licensee's function as a consultant, that would restrict the practice of chiropractic by an Idaho licensed Chiropractic Physician. Seconded by Dr. Harper, carried.

Letter from James Kranz was reviewed dealing with continuing education and the request for amending rule 350.01. This seminar is not sponsored by a Chiropractic College. Moved by Dr. Harper that a letter be sent to Dr. Kranz thanking him for his letter and advising that the Board intends to approve his program by adoption of a temporary rule. Seconded by Ms. Averill, carried.

Letter from Dr. Price was read. The Board requests that Roger review this letter to clarify that the Idaho Board does not certify specialties for Chiropractors.

Letter from Dr. West was reviewed dealing with Allstate's denial of payment for MRI's ordered by Chiropractic Physicians. Moved by Dr. Harper that a letter be sent to Allstate outlining those points made in Dr. West's letter. This letter is to be prepared for Dr. Hollingsworth's signature. Seconded by Dr. West, carried.

Dr. Hollingsworth reported on his observation of Part IV of the NBCE examination. He stated that he was really impressed with the examination. Moved by Dr. Harper that Board members attending the FCLB meeting to be held April 4 – 8, 2001 in San Antonio, TX, be reimbursed for their expenses. If less than three members attend, one administrator is invited to attend. Seconded by Dr. West, carried.

Peer review expenditures and monies collected were reviewed. Moved by Dr. Harper that expenses and reimbursements for peer review committee be approved and payable. Seconded by Ms. Averill, carried.

Next meeting of the Board was discussed. It will be held Thursday, March 22, 2001.

APPROVED BY BOARD 5/22/01